

## ADJOURNMENT.

There being no quorum present, on motion of Senator Terrell of Bowie, the Senate adjourned until Monday morning at 10 o'clock.

## THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Monday, August 22, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

## Absent.

Cofer.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.
Senter.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

## SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate, That ex-Lieutenant Governor Geo. D. Neal, who is now in the city, be and he is hereby extended all the privileges of the floor of the Senate during his stay in the city.

The resolution was read and adopted.

## BILLS AND RESOLUTIONS.

By Senators Hudspeth, Brachfield, Willacy and Terrell of Bowie:

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional

to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

## SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	

Absent.

Cofer.	Terrell of Bowie.
Meachum.	Terrell of Wise.
Real.	Weinert.
Senter.	Willacy.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.

Absent.

Cofer.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Weinert.
Senter.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas.

Austin, August 19, 1910.

To the Legislature:

By an act of the Legislature passed at the Regular Session of the Thirty-first Legislature, and approved on March 20, 1909, a committee on investigation, com-

posed of four Senators and five members of the House of Representatives, was appointed to visit the Huntsville and Rusk penitentiaries, and all other places as was necessary in their judgment and such committee was authorized to hold their meetings in the State at such places as they deemed advisable. The committee was, by said act of the Legislature, instructed "to make a thorough and complete examination of the financial conditions of the penitentiary system, employing such help as was deemed necessary, to the end that a full, fair, complete and exhaustive examination be made of the entire penitentiary system, covering a period from January 1, 1907, and prior to that time, if deemed necessary by the committee, to the present time." The committee was "further instructed to make an investigation of the Iron Industry at Rusk, and in its report make such recommendations as to the future operation of such Iron Industry as they believed, after such investigation, would best subserve the State's interests, and especially to recommend whether or not in their judgment such industry should be abandoned or its operation continued by the State." That said committee should "investigate the conditions of the said penitentiaries, and of all farms, camps and trains where convicts are worked or kept, as to the food, clothing, health and treatment of the convicts, and all matters pertaining to the discipline, safe-keeping and reformation." The committee was empowered to issue all necessary process, to summon witnesses in the name of the State, to appear before it under oath, to swear witnesses, summoned before it, and by a majority vote punish for contempt in like manner and to the same extent and under the same rules as a district court, and that a record should be kept of all testimony. The act further provided that the committee "shall perform its duties as soon after the adjournment of the Legislature as it may deem practicable, and when its labors have been performed, it shall make a written report to the Governor of the State, together with all the evidence taken during the investigation."

Pursuant to and in accordance with the provisions of said act, the committee was appointed by the presiding officers of the House and Senate, respectively; and, having performed the duties devolving upon the members thereof, the said committee filed the following reports and communications with the Gov-

error of the State, together with the evidence taken during the investigation:

1. A preliminary report, with recommendations, transmitted with a letter addressed to the Governor by Hon. C. E. Gilmore, Chairman, and dated November 24, 1909, which report is marked "No. 1, Preliminary Report."

2. Report on the Iron Industry, dated January 25, 1910, and marked "Report No. 2, Iron Industry," which report recommends the abandonment of the operation of the Iron Industry by the State, and is signed by Messrs. Paulus, Weinert, Stamps, Hudspeth, Moller and Lee.

3. The report of the Corporation Audit Company, a firm of accountants employed to audit the books and accounts of the penitentiary system for a period of eight years, prior to September 1, 1909, marked "Exhibit A." The journal of the proceedings of the committee, containing also a copy of the itemized accounts of all expenses incurred, marked "Exhibit C." And a copy of all testimony taken before the committee and various subcommittees, marked "Exhibits 1 to 6," inclusive.

4. Accounts and notes receivable dropped from the records of the system, marked "Exhibit A," and accounts receivable, Huntsville, August 31, 1909, also marked "Exhibit A."

5. The report of the subcommittee, dated February 14, 1910, appointed to prepare a report in compliance with the request of the Governor, made on November 16, 1909, that the committee "furnish to him the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who had been found guilty of any violation of the law, or of any mistreatment of convicts since January 15, 1907, the beginning of the present administration, the nature of the offense charged, the time and place, and the names of the witnesses in each case," together with letter from Hon. C. E. Gilmore, dated February 17, 1910, transmitting to the Governor the said report, marked "Exhibit D."

6. Letter from Hon. C. E. Gilmore, dated April 29, 1910, accompanying said exhibits.

7. Letter from Senator F. C. Weinert, member of the committee, protesting against the filing of the testimony taken by the committee until that portion denominated by him as illegal and not privileged, is eliminated, and marked "Exhibit F."

8. The final report of the committee,

dated February 17, 1910, marked "Final Report of Penitentiary Investigating Committee."

These several reports, exhibits and recommendations I now have the honor to lay before the Legislature for your information, and for such disposition as your honorable bodies may deem appropriate. The act of the Legislature providing for the investigation of the State penitentiaries originated in the Senate, and custom as well as propriety suggests that all proceedings thereunder should be submitted to that branch of the Legislature, but as the Senate is not now in session and will not be in session until tomorrow afternoon, the said reports, exhibits and recommendations will accompany the message to the House of Representatives.

Very respectfully,  
T. M. CAMPBELL,  
Governor of Texas.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas.

Austin, August 18, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointment:

District Attorney of the Fourth Judicial District of Texas—B. W. Baker, of Panola county, effective September 1, 1910, vice W. R. Jones, resigned, effective September 1, 1910.

Very respectfully,  
T. M. CAMPBELL,  
Governor of Texas.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Brachfield moved that the Senate go into executive session tomorrow morning at 11 o'clock for the purpose of considering the above appointment.

The motion prevailed.

#### AT EASE.

The calendar being clear,

Senator Kellie moved that the Senate recess until 2:30 o'clock today, and

Senator Terrell of Bowie moved, as a substitute, that the Senate stand at ease subject to the call of the Chair.

The substitute motion prevailed.



## IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

By unanimous consent, Senator Hudspeth filed a committee report on Senate bill No. 7.

## SENATE BILL NO. 7.

The Committee on Insurance, Statistics and History having made a favorable report on Senate bill No. 7,

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 7. A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

The bill was read, and

Senator Mayfield offered the following amendment:

Amend the bill, page 4, line 17, by changing the period after the word "risk" into a comma and adding the following: "Provided, there shall be no unjust discriminations."

Senator Hudspeth moved to table the amendment, which motion to table prevailed.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all

of Section 13 after the words "not for profit."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Nays—1.

Terrell of McLennan.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Kellie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

ADJOURNMENT.

There being nothing on the calendar, On motion of Senator Watson, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 22, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring

the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Brachfield, Watson, Mayfield, Terrell of McLennan, Hume, Veale, Kauffman, Alexander.

Committee Room,  
Austin, Texas, August 22, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

And find the same correctly engrossed.  
WARD, Chairman.

#### FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, August 23, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

#### EXCUSED.

The following Senators were excused for non-attendance upon the Senate:

Senator Cofer for Saturday and yesterday, on motion of Senator Sturgeon.

Senator Meachum for Saturday and yesterday, on motion of Senator Harper.

Senator Sturgeon for yesterday, on motion of Senator Cofer.

Senator Real for Saturday and yesterday, on motion of Senator Alexander.

Senator Harper for Saturday, on motion of Senator Ward.

Senator Senter for Saturday and yesterday, on motion of Senator Hudspeth.

Senator Adams for Saturday, on motion of Senator Terrell of Bowie.

Senator Weinert for Saturday, on motion of Senator Sturgeon.

Senator Terrell of Wise for yesterday, on motion of Senator Peeler.

Senator Hudspeth for Saturday, on motion of Senator Terrell of Bowie.

Senator Alexander for Saturday, on motion of Senator Perkins.

Senator Watson for Saturday, on motion of Senator Terrell of Bowie.

On account of sickness:

Senator Willacy for all of this week, on motion of Senator Terrell of Bowie.

#### BILLS AND RESOLUTIONS.

By Senators Cofer and Mayfield:

Senate bill No. 8, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; pro-